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GAU 2775
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Group 2700

Group Art Unit:	2754
Examiner:	
Serial No.:	09/579,393
Inventor(s):	Thomas M. Krikorian et al.
Filed:	May 26, 2000
For:	DISTRIBUTED CONTROL FOR A CONTINUOUS PLAY BACKGROUND MEDIA SYSTEM
Attorney Docket:	9660-000001

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on August 28, 2000.

By Stephanie Provost

Sir:

Pursuant to 37 C.F.R. §§1.56, 1.97, and 1.98, Applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, OR OTHER INFORMATION

The patents, publications, and other information submitted for consideration by the Office (except U.S. patent applications) are listed on HDP-1449 (based on Form PTO-1449), attached hereto.

II. COPIES

a. X Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, except that no copy of a U.S. patent application is included.

b. ____ Any patents, publications or other information which are listed on PTO-1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

U.S. Serial Number U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language (concise explanation not required).

b. ____ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. §1.98(a)(3)):

c. ____ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No. Filing Date Art Unit

V. X THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b): (check one box)

a. X within three months of the filing date of a national application (37 C.F.R. §1.97(b)(1)). No fee or certification is required.

b. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or certification is required.

c.____ before the mailing date of a first Office action on the merits (37 C.F.R. §1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. §197(c) and see the certification under 37 C.F.R. §1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of $240.00 as required by 37 C.F.R. §1.17(p).

VI. _____ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c): (check one box)

• before the mailing date of either a Final Office Action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

a.____ No certification; therefore, a fee in the amount of $240.00 is required by 37 C.F.R. §1.17(p).

b.____ See the certification below. No fee is required.

VII. _____ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(d): (check one box)

• after the mailing date of either a Final Office Action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, yet on or before payment of the issue fee.

a.____ See the certification below and the petition requesting consideration of the IDS attached hereto. A fee in the amount of $240.00 is required by 37 C.F.R. §1.17(p).

VIII. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

a.____ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. §1.97(e)(1)); or

b.____ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this statement (See 37 C.F.R. §1.97(e)(2)).

c.____ Some of the items of information were cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this statement.

IX. PAYMENT OF FEES (check one box)

_____ A check in the amount of $240.00 is enclosed for the above-identified fee.

_____ Please charge Deposit Account No. 08-0750 in the amount of $240.00 for the above-indicated fee. A triplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, the Examiner is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. §1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: 8/28/2000

By: Michael D. Wiggins, Reg. No. 34,754

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

Enclosures:
- X PTO-1449
- ____ PTO-892
- X References
- ____ Foreign Search Report
- ____ Fee
- ____ Other:

FORM HDP-1449 (Based on Form PTO-1449)	ATTORNEY DOCKET NO.	SERIAL NO.
PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 1 of 1	9660-000001	09/579,393
	APPLICANT Thomas M. Krikorian et al	
	FILING DATE May 26, 2000	GROUP 2754

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U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		5,726,909	03/1998	Krikorian		
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

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FOREIGN PATENT DOCUMENTS							
						Translation	
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Yes	No
1.							
2.							
3.							

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		Chain Store Age; **DMX Axis: Music Delivery via**; February 2000; pages 2A-3A, 5A-11A
2.		IBM Digital Media Distributor™; **A robust solution to manage and distribute digital content to multiple sites**
3.		

Examiner:	Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.